



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alexander Buryak

Title: IMPROVED MULTI-CHANNEL GRATING DESIGN TECHNIQUE

Docket No.: 2085.002US1

Filed: December 5, 2005

Examiner: Tina M Wong

Customer No.: 21186

Serial No.: 10/523,425

Due Date: February 21, 2007

Group Art Unit: 2874

Confirmation No.: 1862

Commissioner for Patents

Attn: MAIL STOP ISSUE FEE

P.O. Box 1450

Alexandria, VA 22313-1450

**Notice of Allowance Date:**

November 21, 2006

We are transmitting herewith the attached:


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- ☒ A check in the amount of \$9.00 to cover the Extra Patent Copies Fee (3 copies).
- ☒ Issue Fee Transmittal (Form PTOL-85).
- ☒ A check in the amount of \$300.00 to cover the Publication Fee Payment.
- ☒ Comments on Statement of Reasons for Allowance (2 pgs.).
- ☒ A return postcard.

Please charge any additional required fees for the Issue Fee Payment or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number: 21186

By /

  
Andre L. Marais

Reg. No. 48,095

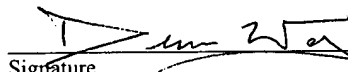
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Name

Dennis Wong

Signature





S/N 10/523,425

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Alexander Buryak	Examiner:	Tina Wong
Serial No.:	10/523,425	Group Art Unit:	2874
Filed:	December 5, 2005	Docket:	2085.002US1
Title:	IMPROVED MULTI-CHANNEL GRATING DESIGN TECHNIQUE		

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The Applicant has reviewed the Examiner's Statement of Reasons for Allowance in the Notice of Allowability and submits that the examiner's summary does not accurately reflect the claimed invention.

The detailed action states that "more specifically, the prior art fails to teach obtaining multiple design functions, the second function derived from a first function having a reduced maximum amplitude, determining a second response from the second function and replacing the selected parts of the second function to derive a third function, generating a third response from the third function and repeating these steps until the claimed quality criteria is met."

The Applicant notes that this summary of claim1 does not accurately distinguish between "design functions" and "response functions."

Rather, the Applicant submits that the prior art fails to teach a method of iteratively optimizing a design function for a grating structure, the method comprising the steps (a) to (f) as defined in claim 1.

The fact that the Applicant did not argue that each and every limitation of the independent (and dependent claims) is not disclosed in the prior art should not be construed as an admission or acknowledgement that such limitations are in fact disclosed into the prior art, that such limitations have been surrendered during the prosecution of the application, and/or that each and every limitation of the independent claims of the present application is required to render these claims novel over the of the prior art of record.

Accordingly, the Applicant retains the right to obtain claims of broader scope (e.g., by way of a continuation, divisional, or broadening reissue application) based on the subject matter of the present application. For example, the Applicant retains the right to file applications based

Comments on Statement of Reasons for Allowance

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on the present application (including claims (1) in which certain or all limitations of the currently allowed claims are omitted, and (2) including the limitations that were examined in the current application, and which the Applicants did not expressly argue not to be disclosed in the prior art) without the Statement of Reasons for Allowance in the present application being regarded as an surrender to the prior art.

Conclusion

The Examiner is invited to telephone Applicant's attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


ALEXANDER BURYAK

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
408-278-4042

Date February 16, 2007

By

  
Andre L Marais  
Reg. No. 48,095

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Name

Dennis Wong

Signature

